G. R. S. 58]

*Previous references.*

Ch 13 of 1903
Ch 14 of 1903
Ch 14 A of 1903
Ch 179 04
Ch 248 05

~~*Later references.*~~

Ch 196-06
Ch 124-07. 8 & 7-12
Ch 124-07. 1 & 13
Ch 124 07. 2-6-

**File No.** 92-1908

**Serial Nos.** 1-2

**1908.**

( Courts )

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1-2

**Part B for** for 1908

SUBJECT.

Separation of judicial and executive functions

1) To the Registrar, Chief Court, no 3770 dy 11.9.1908

~~Forwards~~ Calls for the opinion of the Chief Court regarding the extension of the above Scheme in the manner indicated.

2). From the Chief Court. no 2224/40 dy 30-9-1908

States that the Judges are not in favour of the proposals made in Sl. 1 & that they are of opinion that the ~~Assistant~~ of K.G.F ~~of~~ may divested of magisterial powers & that the Sub Judge of Shimoga may be made an Asst Sessions Judge for the Shimoga Dy.

GPB—5,000—22-10-10

G.R.S. 11] 1908.09

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

Chs. File No. 92-08

FILE HEADING.

Separation of Judicial and Executive functions.

From

No. 9 Mis 23 Dated Received

| Diary No. | Enclos. | Spare Copies. | Serial No. |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

1 Note of the Under Secretary on duty with the Dewan — "The Dewan desires that the Chief Court may be consulted as to giving magisterial work to more Munsiffs and investing the Sub Judge, Shimoga with

NOTES—First sheet.

GPB —30,000—20-3-06.

Serial No.

are of opinion that the Munsiff K.G.T. may be relieved of his Criminal work and that the Subjudge of Shimoga may be appointed an Assistant Sessions Judge for the whole of the Shimoga Division.

Submitted for orders. The Sub Judge of Shimoga is also an assistant Sessions Judge for the Shimoga District & the Chief Court recommends that he may be made an Addl Sess: Judge for the Shimoga Division comprising the Dts of Shimoga, Kadur & Chitaldrug Districts.

Flats V/S.

3-11-1908.

4-11-08

In the face of the definite expression of the view of the Chief Court that the Judges cannot recommend that any more Munsiffs may be invested with Magisterial powers, the question of the extension of the separation of executive and Judicial functions may lie over for the present. The Chief Court's views as expressed here and in the Admn: report, seems to be based on the consideration that Magisterial work interferes with the Civil work of the Munsiffs. The Chief Court recommends that

Note:- Contn sheet.

GPB - 50,00017—3-07

Serial No.

the Munsiff of the Kolar Gold Fields may be divested of his magisterial powers. In the absence of fuller information it is not clear how far this step is necessary. In the Admn. report, the Chief Court have stated that the system of the separation of the executive & jud.l functions will be given a fair trial. It does not, therefore, seem necessary to take action on this recommendation at present.

7 The Chief Court also recommend that the Sub-Judge of Shimoga may be made an asst. sessions Judge of the Shimoga Division. If approved, the Chief Court may be asked to give further information on the point. If the recommendation is accepted, the only effect would be that the Sessions Judge, Shimoga Division will be free to devote more time to his civil work. It is not known if any such relief is needed.

Under Secy. 8/11
4.11.08

The Munsiff of the Kolar Gold Fields

NOTE- Contn sheet.

GPB-50,00017-3-07

Serial No.

7 Q

has been a magte ~~xxxx~~ from October 1903, & he and the Special magte appear to share the criminal work of the K.G.7 between them, both exercising Concurrent jurisdiction in respect of 2nd & 3rd class cases. If the munsiff is diverted of magl work, ~~xxx~~ relief in some other way will have to be given to the Special magte.

(Secy)

CAB. 7/4/08

I think the Munsiff of the K & T may continue to retain his magisterial powers. The congestion of civil work in his Court seems to be due, to a large extent, to the fact that Mr D'Cruz, though a good Judge, is a slow worker.

The Dt Judge of Chirayu does require some relief as regards civil work; and the Sub Judge may therefore, as proposed by the Chief Court, be made an Addl Sessions Judge for the whole division.

Secy

Secy

8691 8-11-08

* As to the first point my impression is that the KG 7 Munsiff without having very intricate Civil Cases to deal with had a great deal of petty executive work

Agent

NOTE—Contn. sheet.

GPB—50,000—18-5-06

Serial No.

Legal Remarks -

Sect A para 2, The idea may be dropped because it does not appear that the Leprosy Inspr requires help thereunder as it will entail visits & Headquarters allowance & this additional expenditure under T.A. & possibly also in the way of Special Establishment - Ch 27/11/08

10943/25/11/08

The Dewan thinks that this might be filed for the present. Ch. 28/11/08

Submit to Govt for information & then file. Ch 26.11.08

Submitted

8917/27-11-08

Clerk 29/11/08

C83/26/4

File CH 26.11.08

File 30/11

Ordered by the Secretary to be recorded in B on 27-11-1913

Recorded in the file Reg. 5/4/13

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G.R.S. 26]

1 — C/S File No. 92/08
Serial No. 1.

*Diary No. of letter replied to*

No. J 7708 11.9.08

General and Revenue Secretariat
( )
, *the* 190 .

To The Registrar of the Chief Court of Mysore

Date of issue 11.9.08

Signed by
Mr S P Rajagopalachar

Sir,

I am directed to invite attention to Govt order No J 1187-1227-C1-196-06-6 dated the 13th October 1907, directing that as an experimental measure the Amildars of certain Taluks be relieved of their Magisterial duties and that those be assigned in Bangalore and Mysore to the respective City Magistrates and

*over.*

SUBJECT.

in other Talukas to the
Munsiffs, and to request
that you will be so
good as to favour Govt
with the opinion of the Judges
of the Chief Court as to
how far the measure may be extended
~~has proved successful~~
~~and as to the advisability~~
~~or otherwise of extending~~
~~the same~~ by investing
~~Other~~ more Munsiffs with
Magisterial powers in
order to give relief
more Amildars. I
am also to enquire in
this Connection whether
it would not be convenient
to invest the Sub Judge
of Shimoga with the
powers of a Magistrate
of the first class and
transfer some of the
Criminal ~~Cases~~ work to him
~~for~~

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

II-5230/5
No. 2224/10

4 J 870 Ct File No. 92-08-2

Bangalore 30th September 1908.

To

From,

The Registrar of the
Chief Court of Mysore.

To,

The Secretary to Government,
General and Revenue Departments.

Sir,

Adverting to your letter No: J. 770 - Courts 92-08-2 dated 11th instant asking for the opinion of the Chief Court whether any more Munsiffs can be invested with Magisterial powers with a view to extend the measures ordered in Government Proceedings No: J. 1187-1227 — Courts 196-06-6 dated 13th October 1907 and whether it would not be convenient to invest the Subordinate Judge of Shimoga with the powers of a Magistrate of the 1st class, I am directed to state that the Judges do not see their way to recommending that any more Munsiffs be invested with Magisterial powers; on the contrary, they

KN

would like to see the Kolar Gold Field
Munsiff relieved of criminal work
as his time is fully occupied with civil
work. The subordinate Judge of
Shimoga is already an assistant Sessions
Judge of the Shimoga District and he
might with advantage be made an assist
-ant Sessions Judge of the Shimoga Division
but the suggestion that he should be in-
vested with Magisterial powers does not
appear to be feasible.

Comprises Shimoga, Chitaldrug & Kadur Districts

I have the honor to be,

Sir,

Your most obedient Servant,

[illegible]

Registrar.